

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

COLUMBIA COLLEGE CHICAGO

and

Case 13-CA-165872

TANYA HARASYM, et al.,

PART-TIME FACULTY ASSOCIATION AT COLUMBIA

and

Case 13-CB-165873

TANYA HARASYM, et al.,

PART-TIME FACULTY ASSOCIATION AT COLUMBIA

and

Case 13-CB-202023

CLINT VAUPEL

PART-TIME FACULTY ASSOCIATION AT COLUMBIA

and

Case 13-CB-202035

COLUMBIA COLLEGE CHICAGO

ORDER¹

The Motion to Dismiss filed by Part-Time Faculty Association at Columbia College (the Union) is denied. The Union argues that the Board is required to defer to an arbitrator's award finding that full-time staff employees who teach part-time (FTST) are excluded from the collective-bargaining unit, which is contrary to the Regional

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Director's August 30, 2017 determination that the FTST employees are included in the unit and the Board's February 14, 2017 denial of review.

However, on November 9, 2017, the United States District Court for the Northern District of Illinois, Eastern Division, issued a Memorandum Opinion and Order denying the Union's request to confirm the arbitration award and granting Columbia College of Chicago's request to vacate the award. *Part-Time Faculty Association at Columbia College Chicago v. Columbia College Chicago*, No. 17-CV-513, 2017 WL 5192023 (N.D. Ill. Nov. 9, 2017). The court found that it is well established that the Board's determination regarding unit scope takes precedence over a conflicting arbitration decision. *Carey v. Westinghouse Electric Corp.*, 375 U.S. 261, 272 (1964). In view of the court's ruling that the arbitrator's award is unenforceable, there is no basis for the Union's motion.

Dated, Washington, D.C., November 27, 2017.

LAUREN McFERRAN,	MEMBER
MARVIN E. KAPLAN,	MEMBER
WILLIAM J. EMANUEL,	MEMBER